

Notice of Allowability

Application No.

09/365,651

Applicant(s)

TREYZ ET AL.

Examiner

CUONG H. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 12/14/2006.
2. ☒ The allowed claim(s) is/are 21-30, 32-37, 39-40; they are renumbered as claims 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

CUONG H. NGUYEN
Primary Examiner
Art Unit: 3661

DETAILED ACTION

1. This Office Action is the answer to the amendment submitted on 12/14/2006, which paper has been placed of record in the file.
2. Claims 1-40 are pending in this application. Claims 1-20, 31, and 38 have been cancelled.

Allowable Subject Matter & Reason of Allowance

3. Independent claim 21 is not obvious over available reference of BERARDUCCI et al. (US Pat. 6,950,198) because this reference does not disclose an order equipment for an online system that allows a user to order image-based products over the Internet, comprising:

- an order servicing computer configured to provide a user with an opportunity to edit uploaded digital images on-line over the Internet, wherein that computer is configured to let the user to select a given type of frame for the print, and wherein said computer is also configured to e-mail a message to a party other than the user wherein the message includes a URL that allows the party to view and order prints of the edited digital image on-line using a web browser.

Beraducci et al.'s reference is also not proper for prior art application.

4. Independent claim 33 is not obvious over available references of BERARDUCCI et al. (US Pat. 6,950,198), and Oberg (US Pat. 5,870,771) because these references do not disclose an order servicing equipment that allows customers to place on-line orders for prints of digital images taken by a photographer at an event, comprising:

- an order servicing computer, wherein it is provided with digital images taken by a photographer and is provided with customer information including a customer list that

includes names of the customers for the event, wherein in some of the digital images a customer in the customer list is a subject of the digital image.

Beraducci et al.'s reference is also not proper for prior art application.

Oberg teaches an image of artwork is input to a microprocessor through a digital camera. Desired framing supplies are selected and composite image of input image and selected framing supplies are generated. The generated composite image is output to an output device. Image of selected framing supplies is altered through input to image processing software program. This reference is for selecting, adjusting and previewing frame molding and matting material combination for artwork for interior decoration. This reference suggests a customer to select picture of other items to be framed, and to visualize picture or other item enclosed by frame with matting.

5. Independent claim 39 is not obvious over available references of BERARDUCCI et al. (US Pat. 6,950,198) and Yamamoto (US Pat. 6,791,708) because this reference does not disclose an order servicing equipment that allows customers to place on-line orders for prints of digital images taken by a photographer at an event, wherein some of the digital images include the customers, comprising:

- an order servicing computer, wherein the order servicing computer is provided with customer information identifying some of the customer in the digital images, wherein the order servicing computer is configured to provide the customers with opportunities to order wood and metal framed prints of the digital images over the Internet, wherein at least one of the customers was originally photographed against a solid color background to produce a digital image, and wherein that digital image was manipulated to replace the solid color background with a new background, and wherein

the order servicing computer is configured to provide the customer with an on-line opportunity to order a print of the digital image that includes the customer with the new background.

Beraducci et al.'s reference is not proper for prior art application.

Yamamoto does not teach about ordering wood and metal frames for digital images.

6. Dependent claims 22-30, 32, 34-37, and 40 are patentable because they are dependent of claims 21, 33, and 39.

Conclusion

7. Claims 21-30, 32-37, and 39-40 are patentable. They are renumbered as claims 1-18.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business
Center (EBC) at 866-217-9197 (toll-free).



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